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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,396	07/30/2003	Shawn Stempinski	3924-169-2	8369

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EXAMINER
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HARRIS, STEPHANIE N

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/630,396

**Applicant(s)**

STEMPINSKI, SHAWN

**Examiner**

Stephanie Harris

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

**DETAILED ACTION*****Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the upwardly open channels, downwardly open channels, upwardly and downwardly projecting extending ribs, upwardly open recess, insert, third upwardly open channel, service box, laterally spaced longitudinally extending spaces, device brackets, ports, flat cover strips, top floor panel, spaced pillars, and integrally molded ribs must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show the upwardly open channels, downwardly open channels, upwardly and downwardly projecting extending ribs, upwardly open recess, insert, third upwardly open channel, service box, laterally spaced longitudinally extending spaces, device brackets, ports, flat cover strips, top floor panel, spaced pillars, and integrally molded ribs as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective

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action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(b) because they are incomplete. 37 CFR 1.83(b) reads as follows:

When the invention consists of an improvement on an old machine the drawing must when possible exhibit, in one or more views, the improved portion itself, disconnected from the old structure, and also in another view, so much only of the old structure as will suffice to show the connection of the invention therewith.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

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The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Regarding claims 1-12, it is unclear from the specification and drawings how the elements as claimed by applicant are interrelated. The specification and drawings show no details or element numbers making it unclear how the invention is made and how it operates.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1-12, it is unclear from the specification and drawings how the elements as claimed by applicant are interrelated. The specification and drawings show no details or element numbers making it unclear how the invention is made and how it operates.

Claim 8 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claim 8, applicant is reminded that a method of use

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claim cannot depend from an article claim. Method claims cannot be used to further limit an article claim. It is suggested that applicant establish a separate method of use claim. The Examiner suggests phrasing such as "The method of providing gaps as recited in claim 1 comprises the steps of ...".

Claim 9 recites the limitation "said synthetic molded plastic panel" in line 2.

There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said molded synthetic panel" in line 2. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4, 7, 9, and 10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Thorp et al. (USPN 4858401).

Regarding claim 1, Thorp discloses a floor panel of synthetic material having a generally rectangular plan-form and upwardly projecting longitudinally extending ribs (30) defining upwardly open channels (13) as seen in Figure 9. The panel also defines integrally formed downwardly projecting laterally extending ribs (30) defining downwardly open channels oriented orthogonally to the upwardly open channels as seen in Figures 8 and 12. The panel is formed to define access passageways defined in

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part by gaps formed by the upwardly projecting ribs and in part by an adjacent section of the downwardly open channels to allow cables to pass between the upwardly and downwardly open channels as seen in Figures 8-12. An upwardly open recess (44) is defined by the panel between the upwardly open channels and between the downwardly open channels as seen in Figure 8.

Regarding claim 2, an insert (30) is located in the recess (44) as seen in Figure 8. The panel and the insert together cooperate to define an upstanding rib (30) to provide a third upwardly open channel between the upwardly open channels. Regarding claim 4, the ribs of the first, second, and third channels form laterally extending spaces as seen in Figure 8.

Regarding claim 7, flat cover strips (12) define a lower wall to enclose the downwardly open raceway channels as seen in Figure 8. Regarding claim 9, a top floor panel (1) of composite material is secured to panel (Col. 3, lines 4-8 and 65-68). Regarding claim 10, extending ribs (30) provide spaced pillars that are provided integrally with panel as seen in Figure 8.

Claims 1 and 10, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Lo (USPN 5400554).

Regarding claim 1, Lo discloses a floor panel of synthetic material having a generally rectangular plan-form and upwardly projecting longitudinally extending ribs (70) defining upwardly open channels as seen in Figure 10. The panel also defines integrally formed downwardly projecting laterally extending ribs (64) defining



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downwardly open channels oriented orthogonally to the upwardly open channels as seen in Figure 10. The panel is formed to define access passageways defined in part by gaps formed by the upwardly projecting ribs and in part by an adjacent section of the downwardly open channels to allow cables to pass between the upwardly and downwardly open channels as seen in Figures 10 and 12. Lid (60) defines an upwardly open recess that is defined by the panel between the upwardly open channels and between the downwardly open channels as seen in Figure 10.

Regarding claim 10, peripherally spaced pillars (8) are provided in integral connection with the panel.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Thorp at al. (USPN 4858401).

Thorp discloses all of the claimed structure of the instant invention. Thorp lacks only the specifically recited method steps. It would have been obvious, if not inherent, to one having ordinary skill in the pertinent art at the time of the invention to use the floor

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panel of Thorp by the claimed method steps. Such a modification provides a conventional and efficient method of using the device of Thorp.

Claims 3, 5, and 6, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Thorp at al. (USPN 4858401) in view of Boyd (USPN 5263289).

Thorp shows all of the teachings of the claimed invention but fails to show the use of a service box. Boyd discloses the use of a service box (17) located in a recess. The service box (17) includes device brackets (15, 16) with ports that can communicate with spaces for wiring to run between passageways and the service box (Col. 5, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the floor panel of Thorp, with the service box, as shown by Boyd, in order to allow passage of the cables from the panel to the service box (Col. 5, lines 1-7).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to floor panels: USPN 6189289, USPN 5483776, USPN 4250674, USPN 4682453, USPN 6550195, USPN 6076315, USPN 5992108, USPN 5828001.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephanie Harris whose telephone number is 703-305-1838. The examiner can normally be reached on Monday-Friday from 9am to 3pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pete Cuomo, can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SNH

June 14, 2004

Stephanie Harris  
Examiner  
Art Unit 3636

  
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